IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.1123 OF 2005

WITH

CIVIL APPLICATION NO.1384 OF 2005

Rajaram Tukaram Choudhary & Ors. ...Appellants.

Vs.

Subhash Babulal Mutha. ...Respondent.

.....

Mr.Dhirendra Mishra for the Appellant.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

December 19, 2005.

P.C. :

Counsel appearing on behalf of the Appellants fairly states that the ex-parte decree was confirmed by this Court and that the Special Leave Petition was dismissed by the Supreme Court which has also been noted in para 3 of the impugned order. The draft Sale Deed was placed by the Decree-holder on the record in pursuance of the order of the Trial Court dated 30th June 2004. The judgment debtor was duly served, but chose not to

file his objection promptly. The Learned Trial Judge was in the circumstances, justified in coming to the conclusion that it is only an effort to delay the execution. There is no merit in the appeal which is accordingly dismissed.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.